

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BRITTANY BAKER §  
§  
vs. § CASE NO. 2:08-CV-406-DF-CE  
§  
ONALASKA INDEPENDENT §  
SCHOOL DISTRICT §

**MEMORANDUM ORDER**

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his recommendation for the disposition of the defendant's motion (Dkt. No. 5) has been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the defendant's motion to dismiss (Dkt. No. 5) is granted. The plaintiff is granted leave to amend the complaint to clarify her allegations of custom and policy within fourteen (14) days from the date of this order.

**SIGNED this 28th day of September, 2009.**

  
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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE